

# **EXHIBIT C**

**PUBLIC - REDACTED**

# Google's Motion to Strike

## **Google moves to strike Sonos's expert's application of the Court's construction**

- “playback queue” is used for playback

In each app, the cloud queue stores the list, and the locally-stored information is merely a mirror reflecting a subset of what is happening in the cloud queue. The songs set to play on Google Play Music, for example, are all dictated by the cloud queue. If the user adds

-Court's SJ Op., Dkt. 316 at 9-10.

- “playback queue” contains entire list

local playback queue” with the “short list of tracks to play next” (*ibid.*). The passage thus distinguishes a local playback queue from the “short list of tracks.” Moreover, the passage

-Court's SJ Op., Dkt. 316 at 10.

- “playback queue” cannot be used to merely process the list for playback

stored locally on the playback device (see Bhattacharjee Decl. ¶¶ 81-84). This demonstrates that the groups of three items stored in each app are not lists of content selected for playback, but rather merely provide the means to process the lists for playback. In short, the cloud queue runs the show.

-Court's SJ Op., Dkt. 316 at 10.

- “playback queue” must be the queue that “runs the show”

but rather merely provide the means to process the lists for playback. In short, the cloud queue runs the show.

-Court's SJ Op., Dkt. 316 at 10.

# Google's Motion to Strike

## ***Google moves to strike an alleged new theory concerning [REDACTED]***

1. Premised on an incorrect understanding of Sonos's infringement contentions
2. [REDACTED] was disclosed in Sonos's contentions – Sonos's expert's discussion of additional code is additional evidence, not a new theory
3. Google has previously correctly understood Sonos's contentions

# Google's Motion to Strike

## 1. Premised on an incorrect understanding of Sonos's infringement contentions

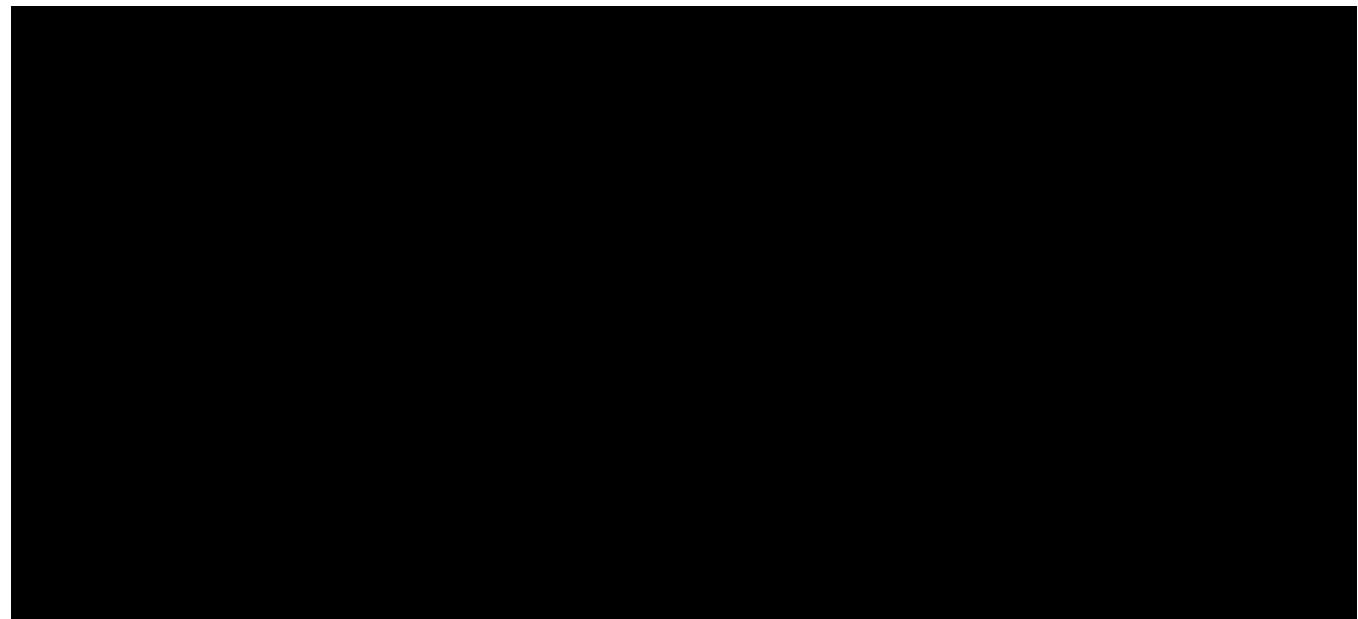
- Google contends that Sonos accused a “message” as being the claimed “remote playback queue”

21-2022 Sonos Supplemental Infringement Contentions) at 11. Consistent with this theory, Sonos's infringement contentions cited to pages of [REDACTED]

[REDACTED] and Sonos accused this of being the “remote playback queue” of the claims. *Id.*(11-28-2022 Supplemental Infringement Contentions) at 17-25. Sonos's contentions did

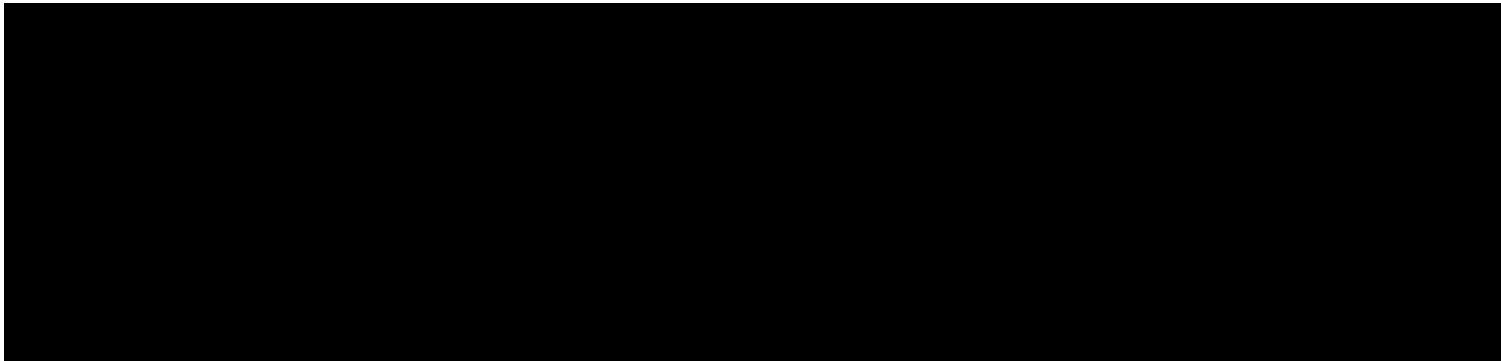
-Google's Mot. at 7.

- Sonos's theory has always been that the “remote playback queue” is a queue stored on Google's cloud servers – not a message

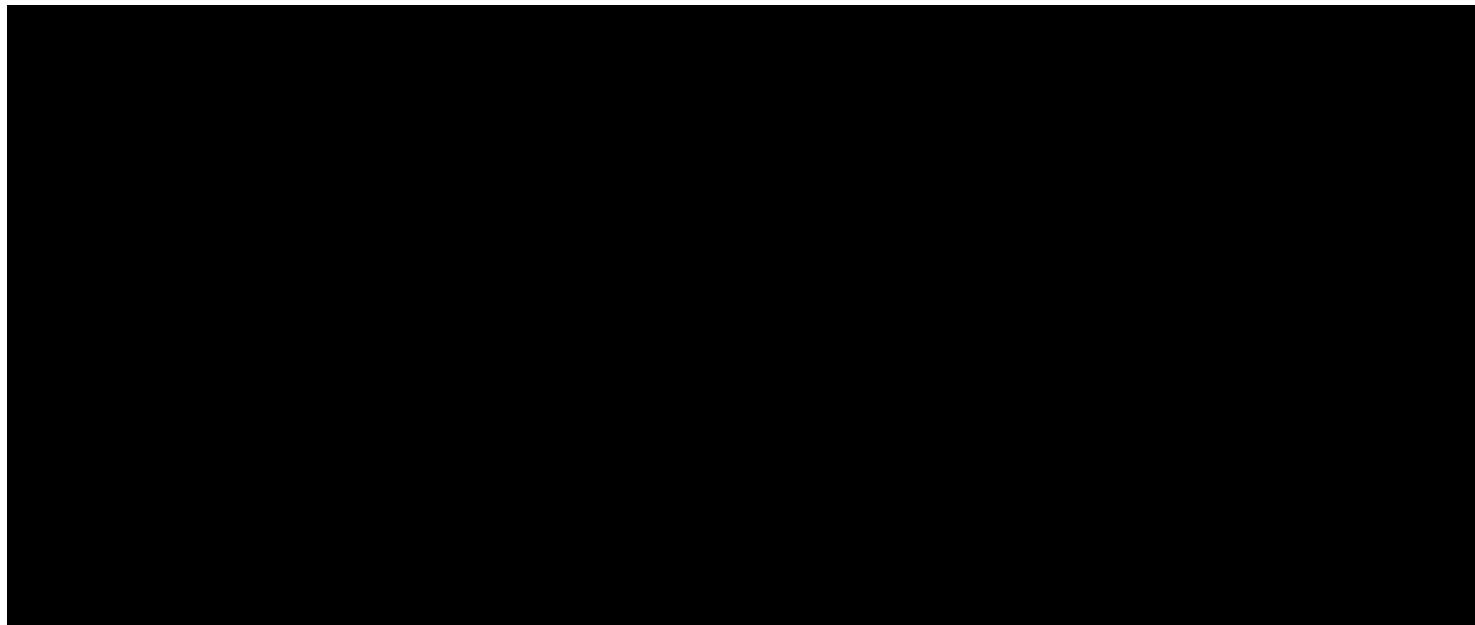


## Google's Motion to Strike

2. [REDACTED] was disclosed in Sonos's contentions



*-Sonos's contentions at 15.*



*-Sonos's contentions at 24.*

# Google's Motion to Strike

## 3. Google has previously correctly understood Sonos's contentions

13        "remote playback queue provided by a cloud-based computing system associated with  
 14        a cloud-based media service." The only written description support for this limitation in the '033  
 15        patent is for a remote playback queue managed by a third-party. Thus, a person of ordinary skill in  
 16        the art would understand that the plain meaning of a "remote playback queue provided by a cloud-  
 17        based computing system associated with a cloud-based media service" in the context of the claims  
 18        and specification requires a third-party playback queue. [REDACTED] is only  
 19        provided by Google, not supplied by third parties.

-Google's Rog 12 Resp. at 48.

21        made to the Australian patent office. Specifically, Sonos proposes in this litigation that the  
 22        geographic location of the playback queue (in the cloud) is determinative of whether it is a "remote  
 23        playback queue" and that no third-party application is necessary.

-Google's Mot. for Leave to File Supp. CC Briefing, Dkt. 375 at 2.

7        "selected for playback." Dkt. 316 at 5. For purposes of infringement, Sonos contends that the term  
 8        "remote" does not require a playback queue provided by a third-party application but requires only  
 9        a "playback queue" that is geographically distant from the computing and playback devices. Thus,  
 10        "a list of multimedia content selected for playback" (i.e., a playback queue) that is provided by a  
 11        cloud-based computing system is a "remote playback queue" if it is not local to the computing or  
 12        playback devices. YTR2 disclosed a "remote playback queue."

-Google's SJ Mot., Dkt. 483 at 6.

87. I understand that Sonos disagrees and contends that the term "remote playback  
 queue" covers a "playback queue" that is "in the cloud" (e.g., a cloud queue) regardless of whether  
 it is provided by a third-party. See Dkt. No. 389 (Sonos Opposition to Google's Motion for Leave)  
 at 7 (stating that the claims of the '033 patent are directed to playback queue "in the cloud and  
 remote from the computing device."). I also understand that Sonos is reading the term "remote

-Google's Expert's Rpt. at ¶ 87.

# Google's Motion to Strike

## ***Google moves to strike new “playback paths” for Hub devices***

1. The asserted claims are directed to functional capability – not actual performance

[1.0] A computing device comprising:

[1.1] at least one processor;

[1.2] a non-transitory computer-readable medium; and

[1.3] program instructions stored on the non-transitory computer-readable medium that, when executed by the at least one processor, cause the computing device to perform functions comprising:

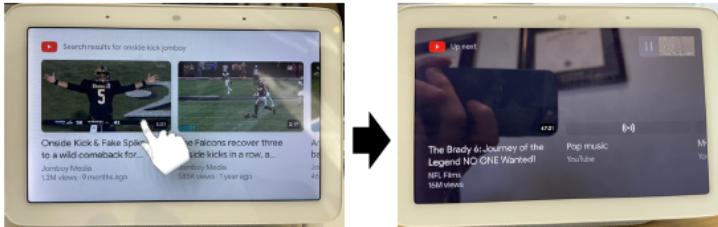
[1.4] operating in a first mode in which the computing device is configured for playback of a remote playback queue provided by a cloud-based computing system associated with a cloud-based media service;

# Google's Motion to Strike

## Google moves to strike new “playback paths” for Hub devices

### 2. Sonos described this functional capability

**Ex. B –Infringement Contention Chart: U.S. Patent No. 10,779,033**  
**HIGHLY CONFIDENTIAL - SOURCE CODE - ATTORNEYS' EYES ONLY**

Claim 1	Accused Instrumentalities
	<p>Each Cast-enabled display is also programmed with the capability to operate in a mode in which the Cast-enabled display is configured for playback of a remote playback queue provided by a cloud-based computing system that takes the form of one or more cloud servers associated with a cloud-based media service (e.g., a Google service such as YouTube, YouTube Music, etc., or a third-party service such as Spotify, etc.) that are remote from the Cast-enabled display and accessible over the Internet, which may be operated by Google or a third-party service provider. <i>See, e.g., <a href="https://store.google.com/us/product/google_nest_hub?hl=en-US#overview-modal-music">https://store.google.com/us/product/google_nest_hub?hl=en-US#overview-modal-music</a></i> (“YouTube Music on demand. . . Stream top music services.”); <a href="https://store.google.com/us/product/google_nest_hub_max?hl=en-US">https://store.google.com/us/product/google_nest_hub_max?hl=en-US</a> (“[J]am out with YouTube Music.”); <a href="https://support.google.com/googlenest/answer/9165738?hl=en">https://support.google.com/googlenest/answer/9165738?hl=en</a> (“With YouTube built-in to your Google Nest display, you can watch YouTube Originals, how-to videos and much more, seamlessly on your screen.”).</p> <p>Cast-enabled displays installed with various of Google’s own Cast-enabled apps are programmed to perform this functionality, including but not limited to the YouTube and YouTube Music apps, as illustrated by the following photos:</p> 

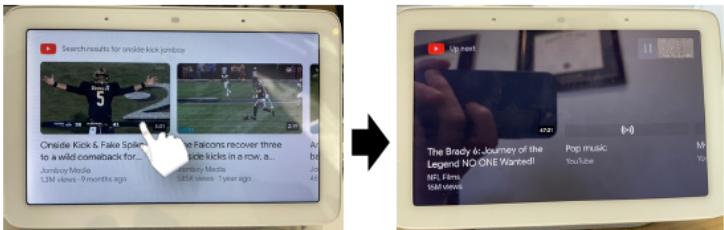
-Sonos's infringement contentions at 8.

# Google's Motion to Strike

## Google moves to strike new “playback paths” for Hub devices

### 2. Sonos described this functional capability

[-https://support.google.com/googlenest/answer/9165738?hl=en](https://support.google.com/googlenest/answer/9165738?hl=en)

Claim 1	Accused Instrument
	<p><b>Ex. B -Infringement Contention Chart: U.S. Pat.</b>  <b>HIGHLY CONFIDENTIAL - SOURCE CODE - ATT</b></p> <p>Each Cast-enabled display is also programmed with the capability to receive content from a Cast-enabled display is configured for playback of a remote play system that takes the form of one or more cloud servers associated with a Google service such as YouTube, YouTube Music, etc., or other content providers. The content is received from the Cast-enabled display and accessible over the Internet, which may be operated by Google or a third-party service provider. See, e.g., <a href="https://store.google.com/us/product/google_nest_hub?hl=en-US#overview-modal-music">https://store.google.com/us/product/google_nest_hub?hl=en-US#overview-modal-music</a> (“YouTube Music on demand. . . Stream top music services.”); <a href="https://store.google.com/us/product/google_nest_hub_max?hl=en-US">https://store.google.com/us/product/google_nest_hub_max?hl=en-US</a> (“[J]am out with YouTube Music.”); <a href="https://support.google.com/googlenest/answer/9165738?hl=en">https://support.google.com/googlenest/answer/9165738?hl=en</a> (“With YouTube built-in to your Google Nest display, you can watch YouTube Originals, how-to videos and much more, seamlessly on your screen.”).</p> <p>Cast-enabled displays installed with various of Google’s own Cast-enabled apps are programmed to perform this functionality, including but not limited to the YouTube and YouTube Music apps, as illustrated by the following photos:</p> 

*-Sonos's infringement contentions at 8.*

# Google's Motion to Strike

## **Google moves to strike new “playback paths” for Hub devices**

### 2. Sonos described this functional capability

Claim 1	Accused Instrumentalities
	<p>Sonos further incorporates by reference Google's response to Sonos's Fact Discovery Interrogatory No. 15, including any of Google's documents or source code cited therein. <i>See</i> Google LLC's First Objections and Responses to Plaintiff Sonos, Inc.'s First Set of Fact Discovery Interrogatories.</p> <p><b><u>Cast-Enabled Displays</u></b></p> <p>Each Cast-enabled display is programmed such that it can operate in a mode in which the Cast-enabled display is configured for playback of a remote playback queue provided by one or more cloud servers associated with a particular media service that the Cast-enabled display was selected to playback from (e.g., YouTube, YouTube Music, Spotify, etc.). The aforementioned functionality satisfies claim limitation 1.4.</p> <p>The following exemplary evidence demonstrates that each Cast-enabled display is programmed with this functionality:</p> <ul style="list-style-type: none"> <li>• <a href="https://developers.google.com/cast/docs/web_receiver/queueing?hl=en">https://developers.google.com/cast/docs/web_receiver/queueing?hl=en</a> (“Queueing allows partner applications to better integrate with Cast by providing the following features: Support of Google's and partner's cloud queue implementation so externally stored and created queue can be directly loaded into Cast devices.”).</li> </ul>

-Sonos's infringement contentions at 26.

# Google's Motion to Strike

## ***Google moves to strike new “playback paths” for Hub devices***

3. Google previously understood that Sonos was not excluding any “playback path”

- Google's own description of the Hub functionality is agnostic to any “playback path”
- Google's description of how a media player receives media is not dependent on any given “playback path”
- Google's description of how a media player receives media references only controller → player scenarios – **which Sonos incorporated by reference into its contentions**
- Google never advanced non-infringement positions based on “playback paths”

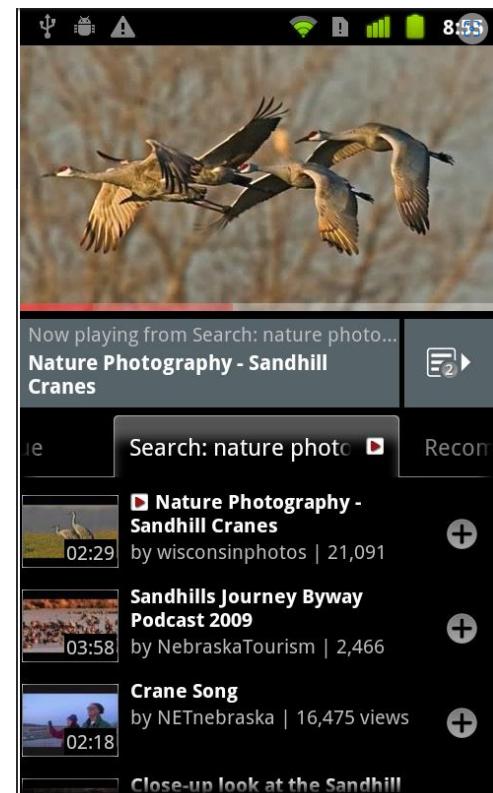
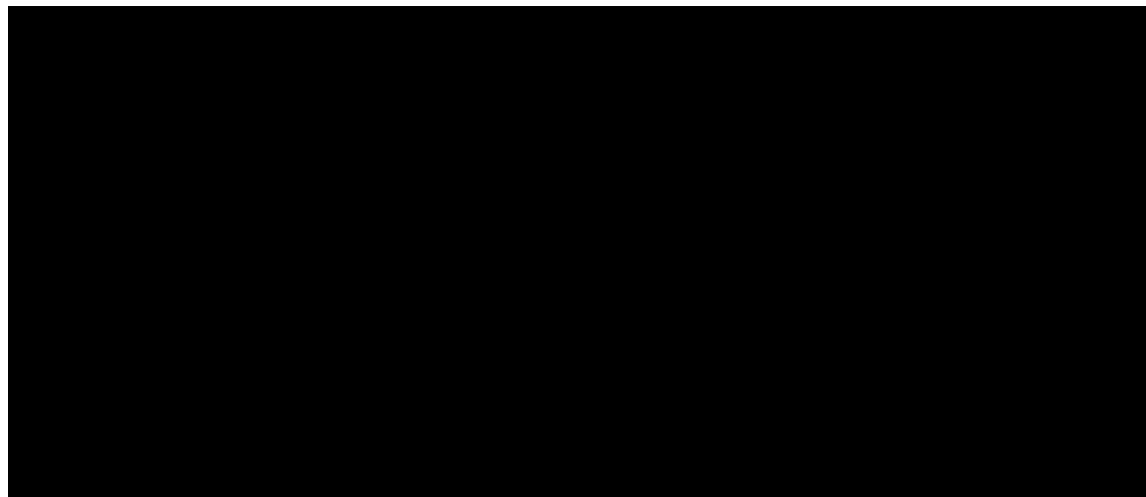
# Sonos's Motion to Strike

## ***Google alleges a new “autoplay” feature of YTR***

Schmidt Rebuttal Rpt., ¶328. This is inaccurate. Although the “+” icon can be used to add a recommended video to the user’s queue, the list of recommended videos can also be played back without adding them to the user’s queue. For instance, the image on the right shows the YouTube Remote prior art playing back a list of videos provided by the YouTube cloud servers in the “Search” workspace—in other words, without using the “+” icon to add the videos to the user’s queue.

See

\* \* \*



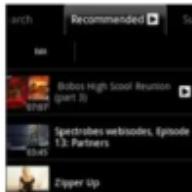
-Google's expert reply rpt. at ¶¶ 79-80.

# Sonos's Motion to Strike

## Google alleges a new “autoplay” feature of YTR

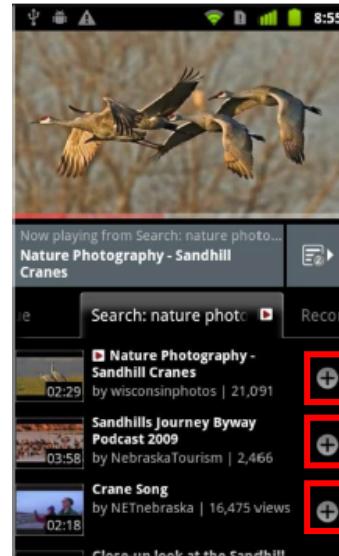
- Google's contentions disclose only a manual playback feature

*See e.g. [5]*



Android: YouTube Remote is a free remote control tool that links the full-screen experience of YouTube Leanback with the convenience of having a touch-screen remote and playlist builder on your Android device.

*-Google's invalidity contentions at 3.*

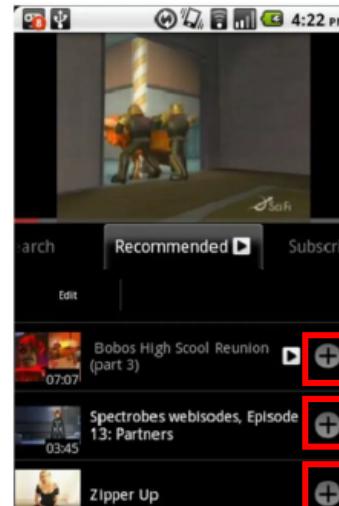


*See e.g. [5]*

YouTube Remote is a simple but effective remote tool for controlling YouTube Leanback from the comfort of your Android device. One of the best features of YouTube Remote is that it isn't just a remote control device for YouTube Leanback, it's also a compact YouTube viewer.

You can, for example, preview a video on your Android device before kicking it over to the playlist for your monitor or television. Once you've queued up a video to play on the big screen you can then turn off the remote function and continue to preview and add more videos to the queue.

*-Google's invalidity contentions at 6-7.*

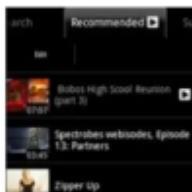


# Sonos's Motion to Strike

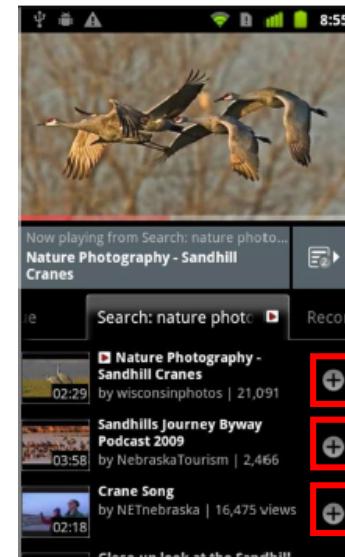
## Google alleges a new “autoplay” feature of YTR

- Google's contentions disclose only a manual playback feature

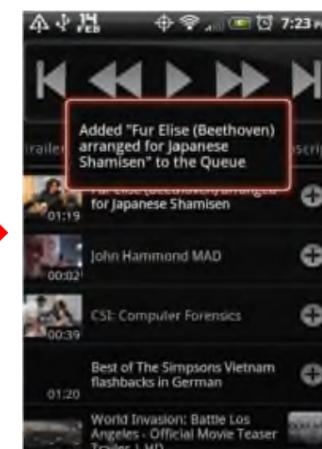
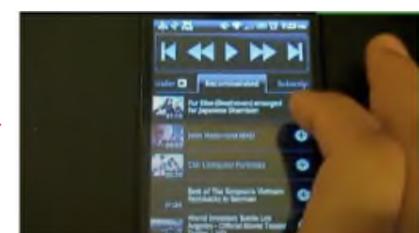
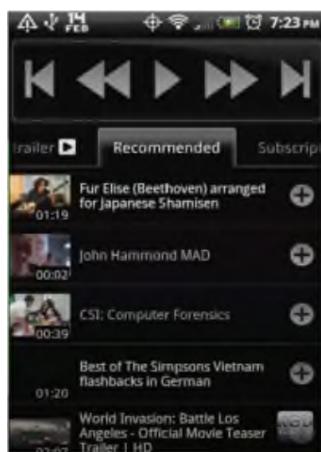
*See e.g. [5]*



Android: YouTube Remote is a free remote control tool that links the full-screen experience of YouTube Leanback with the convenience of having a touch-screen remote and playlist builder on your Android device.



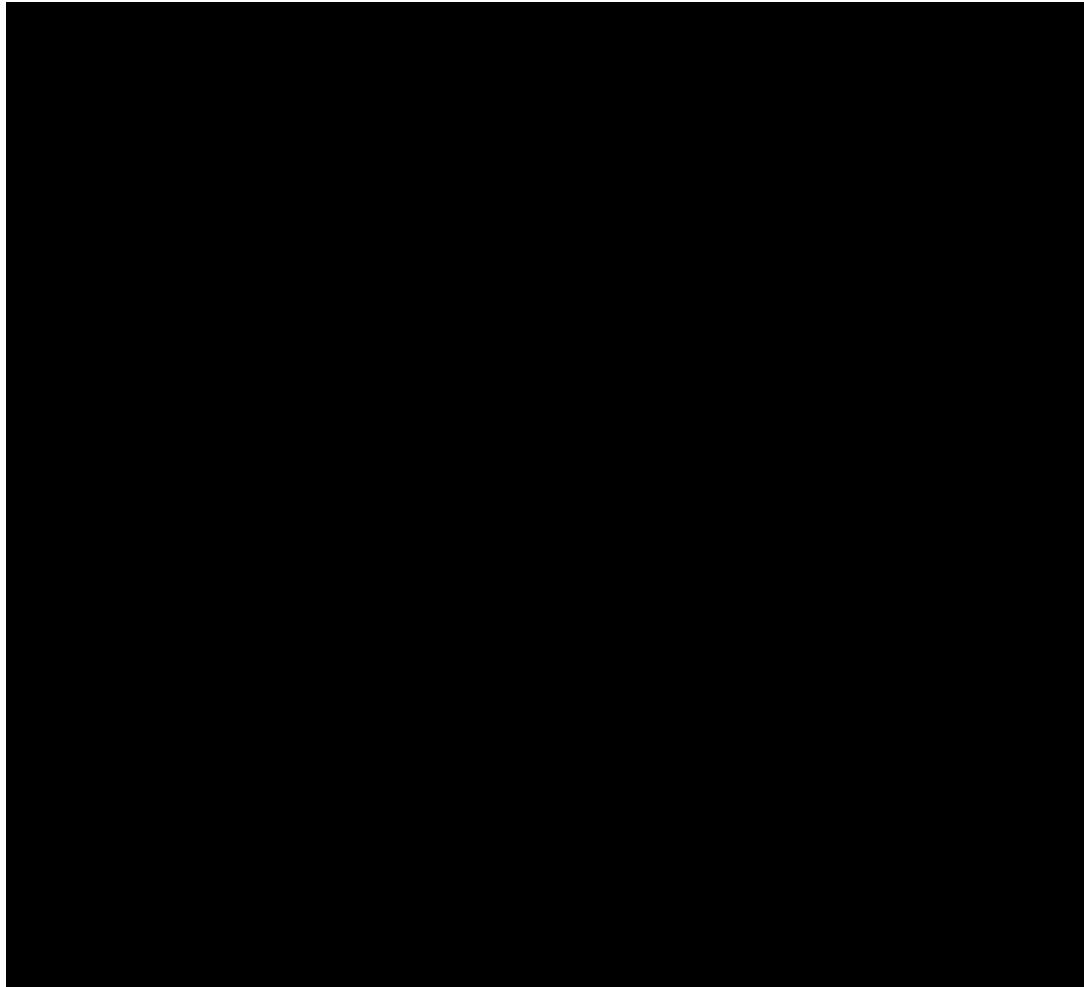
*-Google's invalidity contentions at 3.*



*-Sonos's Expert Rebuttal Report ¶ 172 (citing GOOG-SONOSNDCA-00071318).*

# Sonos's Motion to Strike

***Google alleges a new [REDACTED] feature of Tungsten/Nexus Q***



-Google's expert opening rpt. at ¶ 220.

# Sonos's Motion to Strike

## Google alleges a new [REDACTED] feature of Tungsten/Nexus Q

- Google's contentions never mention [REDACTED] or any other "server-generated" playlist

"the functionality that you've seen here, it'll be part of the Android@Home framework"

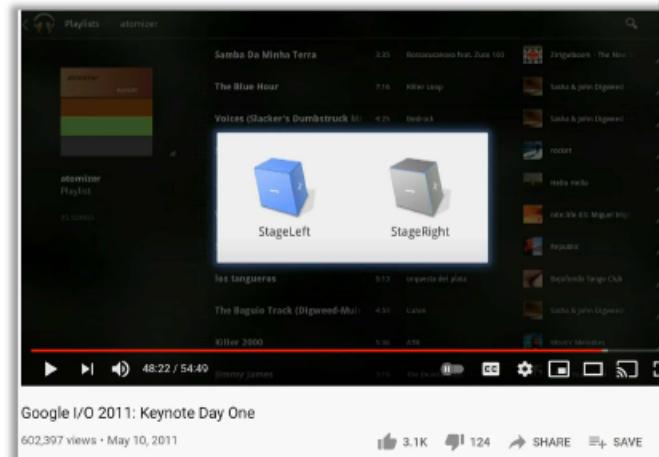


"A Tungsten device runs the Android OS and the Android@Home Framework. *It's always powered on and always connected to the cloud*"

"Paul showed you *our music beta service on a phone and a tablet*. Here, we have *the same music service but working with these new devices*"

"You can imagine that this device is playing music in, say, your living room. If we take a look at the tablet Anand is using, we can see he's in the music app. *But there's a new feature to select an output device*. The tablet can direct music to *one or more Tungsten boxes* like the one we have here. Anand, why don't you start music on both of them. You can enjoy your music *synchronized*"

*throughout your house, all streaming through Music Beta. When Anand tapped on those buttons, the music stream was sent transparently from one box to another. Since the boxes are running Android, they just pull the music directly from the music library in the cloud."* (Joe Britt)



-Google's invalidity contentions at 9-10.

# Sonos's Motion to Strike

## Google asserts new Bose products

- Google's invalidity contentions asserted "Bose Lifestyle 50"

**Exhibit 885-7**  
**Invalidity Claim Chart for U.S. Patent No. 10,848,885 ("the '885 patent")**

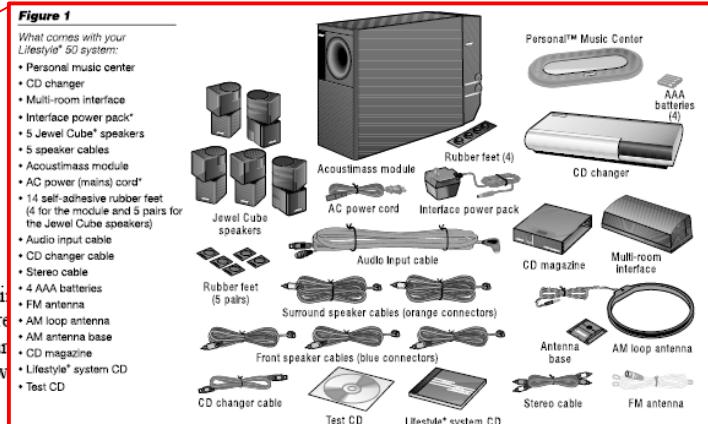
Bose Lifestyle 50 System ("Bose Lifestyle"): Bose Lifestyle was publicly available at least as of October 17, 2001.

Bose Lifestyle anticipates at least claims 1, 3, 7, 8, 10, 14 of the '885 patent under 35 U.S.C. § 102, and renders obvious claims 8, 10, 14 of the '885 patent under 35 U.S.C. § 103, alone based on the state of the art and/or in combination with one or more secondary references noted in the below chart, or one or more of the references noted in Riders A-H, L. To the extent it is argued that a reference does not disclose any element, that element would be obvious based on the state of the art and/or in combination with one or more of the references noted in Riders A-H, L.

Bose Lifestyle was described in a printed publication, or in public use, on sale, sold, known in this country, or otherwise available to the public before the priority date of the '885 patent and before September 2005. Features of the of the Bose Lifestyle would have been apparent to a person of ordinary skill in the art, rendering the reference and publications prior art under § 102(a), (b), and (g) prior art.

At least the following documents describe the functionality of the Bose Lifestyle:

1. [1] Bose Lifestyle 50 System, Owner's Guide, October 17, 2001  
[https://assets.bose.com/content/dam/Bose\\_DAM/Web/consumer\\_electronics/global/products/speakers/ls50\\_system/pdf/owg\\_en\\_ls50.pdf](https://assets.bose.com/content/dam/Bose_DAM/Web/consumer_electronics/global/products/speakers/ls50_system/pdf/owg_en_ls50.pdf); [http://web.archive.org/web/20030915070144/http://mirror.bose.com/owners\\_support/owners\\_guides/og\\_ls50.pdf](http://web.archive.org/web/20030915070144/http://mirror.bose.com/owners_support/owners_guides/og_ls50.pdf); [http://web.archive.org/web/20030201090239/http://www.bose.com/home\\_audio/ht\\_systems/ls35/](http://web.archive.org/web/20030201090239/http://www.bose.com/home_audio/ht_systems/ls35/)
2. [2] The Bose Lifestyle Amplifier, Owner's Guide, January 4, 2002  
[https://assets.bose.com/content/dam/Bose\\_DAM/Web/consumer\\_electronics/global/products/speakers/ls12\\_series1/pdf/owg\\_en\\_sa1.pdf](https://assets.bose.com/content/dam/Bose_DAM/Web/consumer_electronics/global/products/speakers/ls12_series1/pdf/owg_en_sa1.pdf)
3. [3] <http://www.audioreview.com/product/other/mini-systems/bose/lifestyle-50.html>



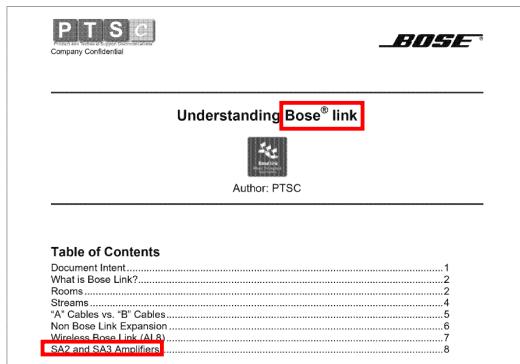
-Google's invalidity contentions at 1.

# Sonos's Motion to Strike

## *Google asserts new Bose products*

- Google now asserts new Bose Products:

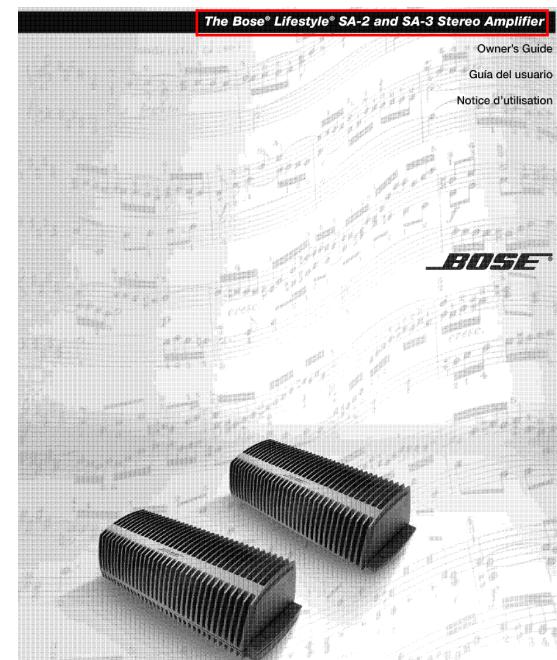
- Bose Link Communication Protocol
- Lifestyle SA-2 Stereo Amplifier
- Lifestyle SA-3 Stereo Amplifier



-Bose Link document (Ex. Q).



-Bose Lifestyle SA-2 Stereo Amplifier document (Ex. P).

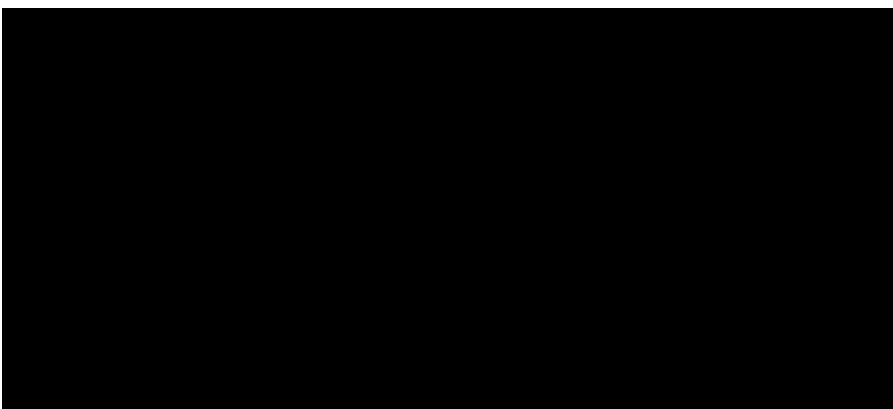


-Bose Lifestyle SA-2 / SA-3 Owner's Guide (Ex. R).

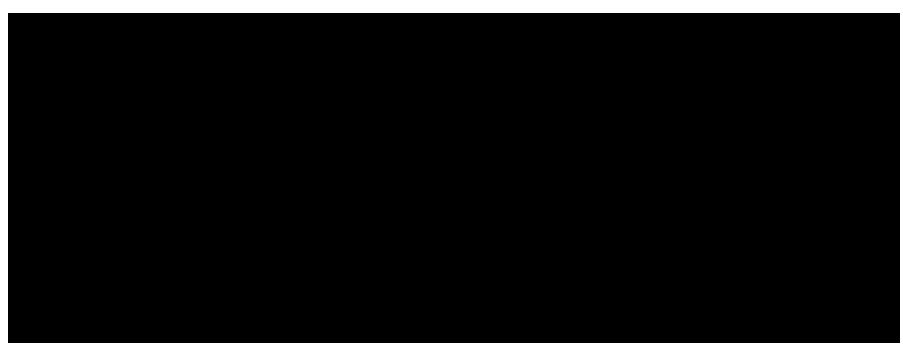
# Sonos's Motion to Strike

## **Google asserts a new [REDACTED] NIA**

Google's Expert's new NIA

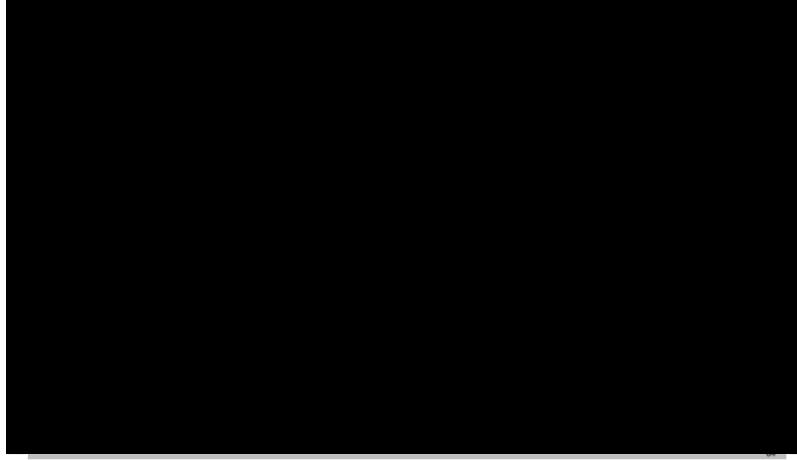


Google's NIA Explanation in Discovery



-Google's Rog 18 Resp. at 13-14.

-Google's Expert's Rebuttal Rpt. at ¶ 298.



-Google's Expert's Demonstrative at Slide 82 (highlight added).

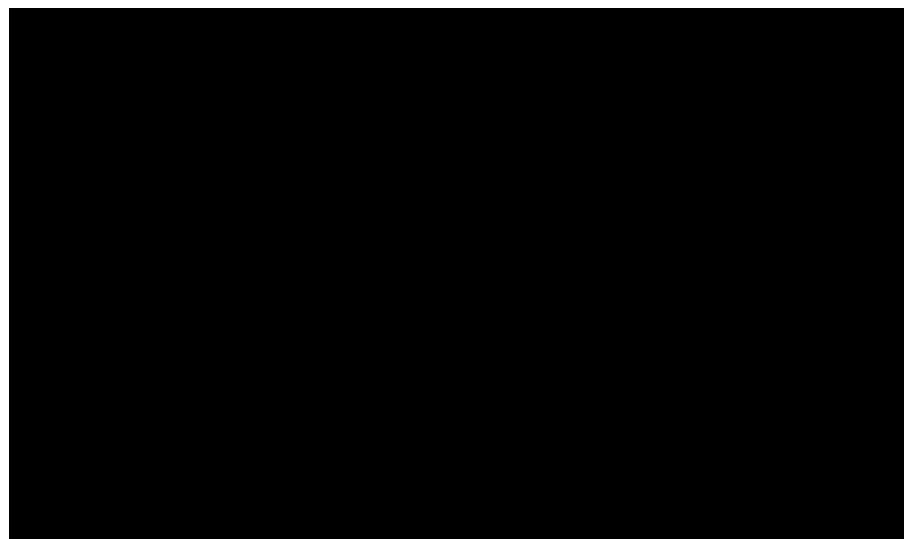
**CONTAINS GOOGLE CONFIDENTIAL INFORMATION.**

# Sonos's Motion to Strike

**Google asserts a new**

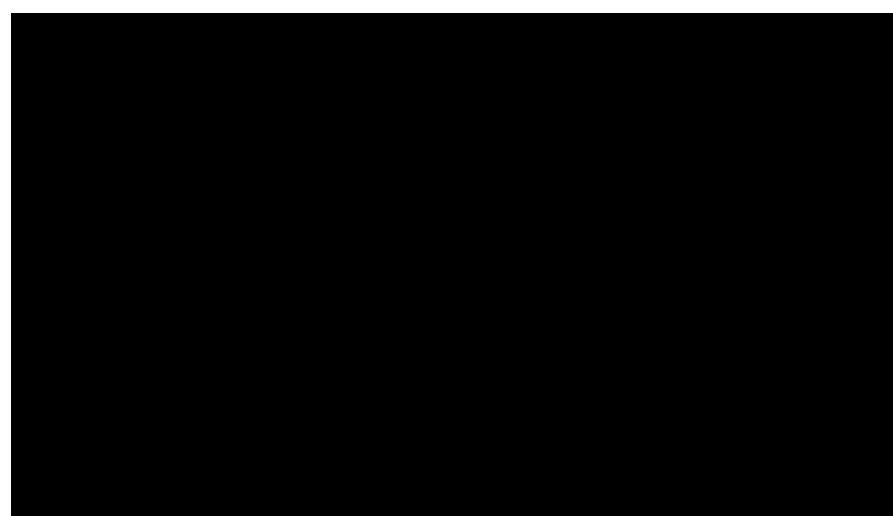
**NIA**

Google's Expert's new NIA



*-Google's Expert's Rebuttal Rpt. at ¶ 280.*

Google's NIA Explanation in Discovery



*-Google's Rog 18 Resp. at 14.*

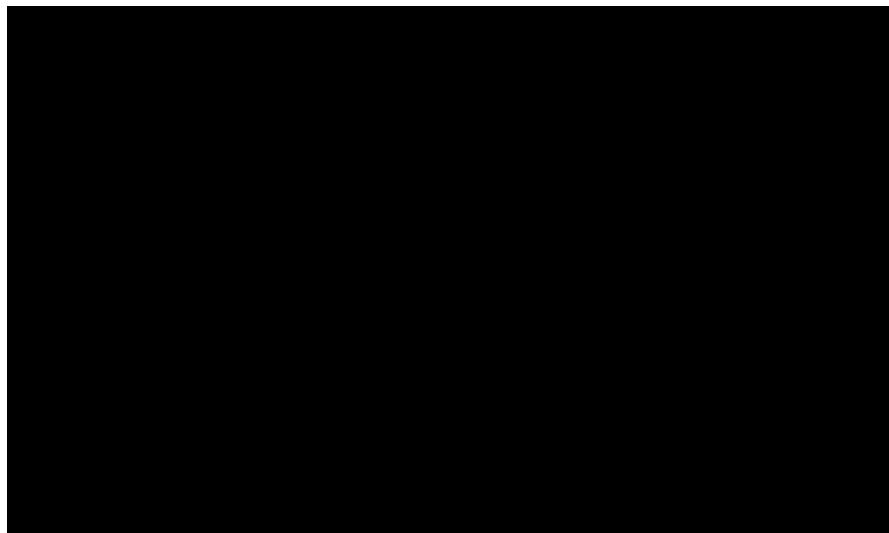
- Expanded to all apps
- All media paused
  - or-
  - All media continues
- Limited to YouTube
- Only encompassed pausing audio playback

# Sonos's Motion to Strike

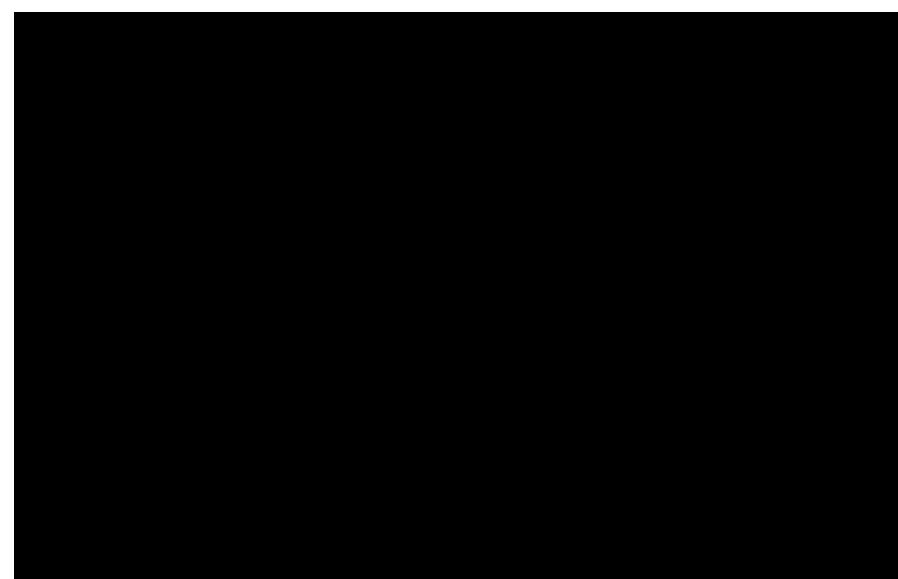
## ***Google asserts a new “No Identification of Groups as Zone Scenes” NIA***

Google's Expert's new NIA

Google's NIA Explanation in Discovery



*-Google's Expert's Rebuttal Rpt. at ¶¶ 178-179.*



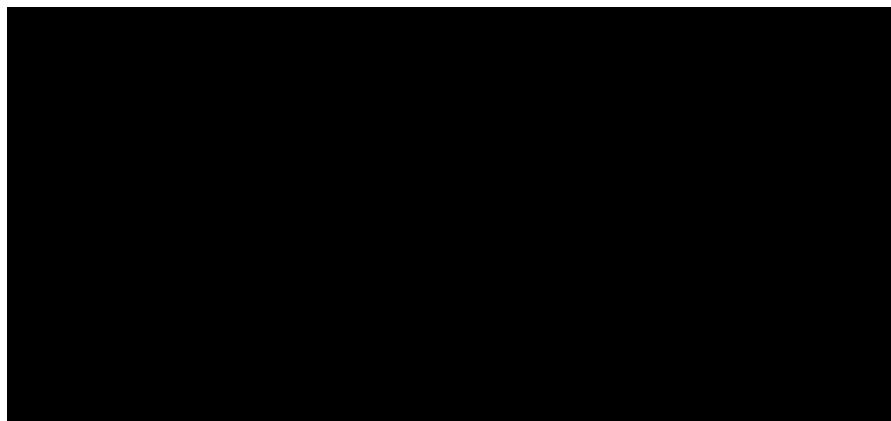
*-Google's Rog 18 Resp. at 8, 10.*

- Restricting group naming
- Limited to “no standalone” and “no overlapping”

# Sonos's Motion to Strike

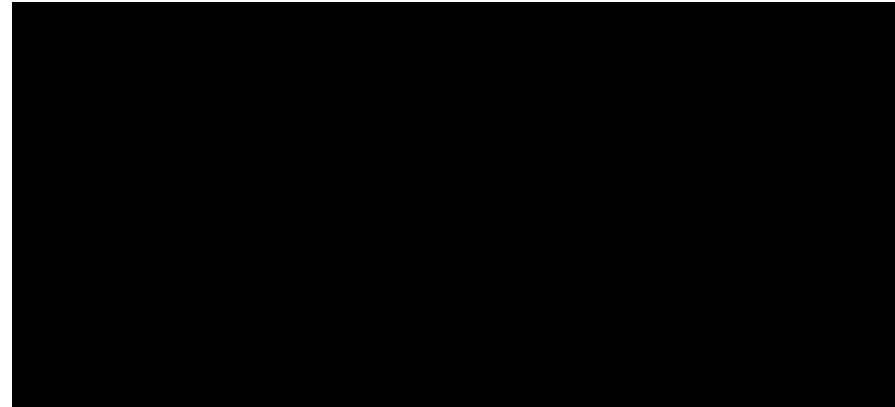
## **Google asserts a new [REDACTED] theory**

Google's Expert's new Noninfringement Theory



*-Google's Expert's Rebuttal Rpt. at ¶ 246.*

Google's Noninfringement Discovery Response



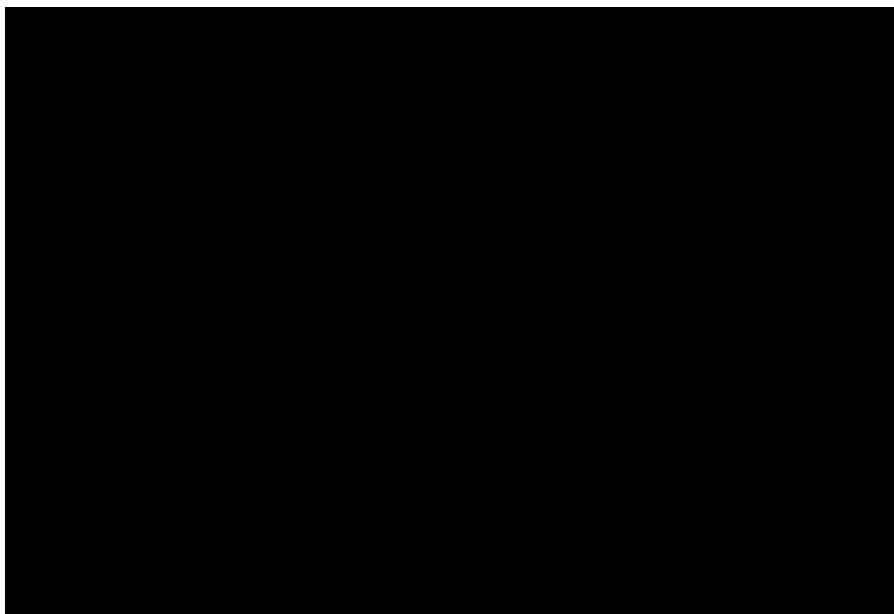
*-Google's Rog 12 Resp. at 47.*

- Non-infringement theory was based on which entity sent the instruction – not the content of the instructions

# Sonos's Motion to Strike

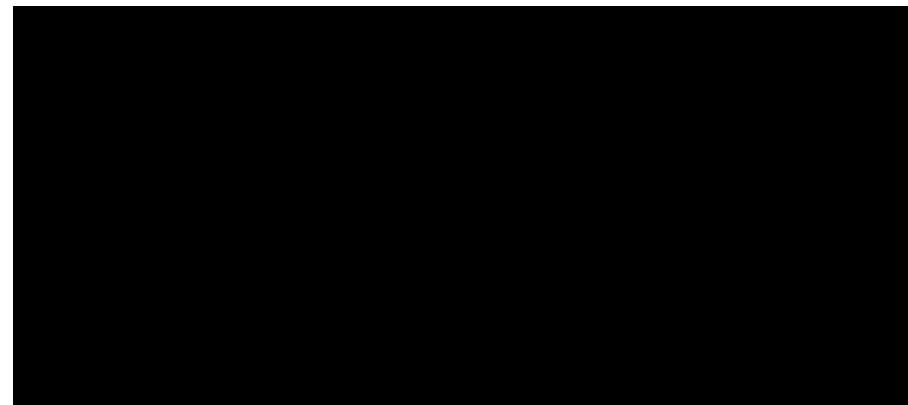
## ***Google asserts a new “videoID” theory***

Google's Expert's new Noninfringement Theory



-Google's Expert's Rebuttal Rpt. at ¶¶ 222-223.

Google's Noninfringement Discovery Response



-Google's Rog 12 Resp. at 48.

➤ [REDACTED]

➤ [REDACTED] [REDACTED] [REDACTED] [REDACTED]

➤ No disclosure of chunk theory

➤ No disclosure that the [REDACTED] was not used to retrieve media items

CONTAINS GOOGLE CONFIDENTIAL INFORMATION.

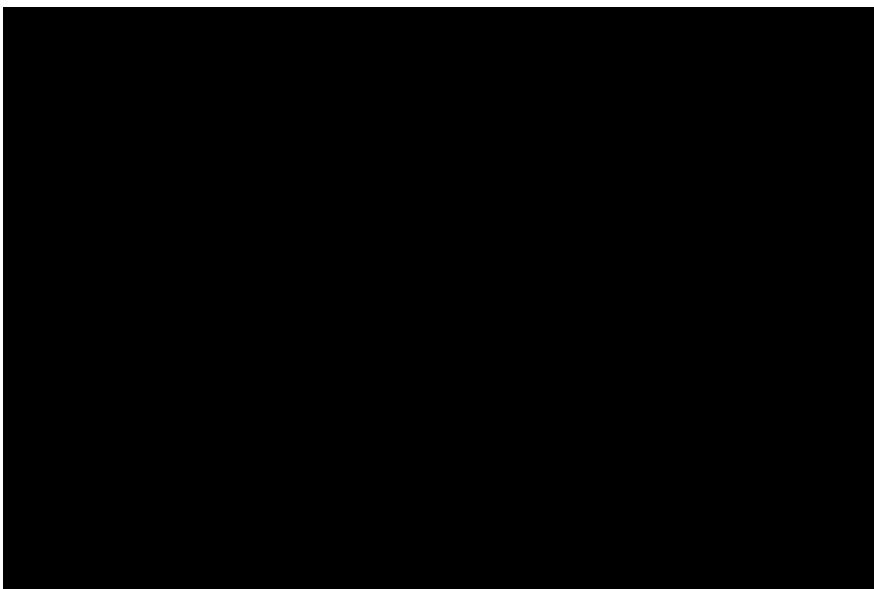
# Sonos's Motion to Strike

## ***Google asserts a new “identical queue” theory***

### Google's Expert's new Noninfringement Theory

Queue). However, the '033 patent further requires that the “remote playback queue” played during Casting is the same “remote playback queue” played by a User Device when not Casting. That requirement is not met here because the Shared Queue that is used when Casting does not exist prior to Casting.

\* \* \*



-Google's Expert's Rebuttal Rpt. at ¶¶ 203-205.

- The “queue” must be the same before and after casting – contents cannot change

### Google's Noninfringement Discovery Response

13        “remote playback queue provided by a cloud-based computing system associated with  
 14        a cloud-based media service.” The only written description support for this limitation in the '033  
 15        patent is for a remote playback queue managed by a third-party. Thus, a person of ordinary skill in  
 16        the art would understand that the plain meaning of a “remote playback queue provided by a cloud-  
 17        based computing system associated with a cloud-based media service” in the context of the claims  
 18        and specification requires a third-party playback queue. [REDACTED] is only  
 19        provided by Google, not supplied by third parties.

-Google's Rog 12 Resp. at 48.

- No disclosure of “queue” not existing
- No disclosure that the “queue” needs to contain the same contents

# Sonos's Motion to Strike Case 3:20-cv-06

## **Google asserts a new “computing device” theory**

## Google's Expert's new Noninfringement Theory

(B) A Hub Device Is Not In A “Computing Device” In A “First Mode” When A Mobile Device Is Casting To It

187. It is also my opinion that a Hub Device is *not* a “computing device” operating in the claimed “first mode” when a User Device is Casting to the Hub Device.

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scenario Dr. Schmidt accuses of infringement. Indeed, as I explained in connection with Limitation 1.4, for Hub Devices Dr. Schmidt accuses the scenario in which a mobile device (e.g., a smartphone) casts playback to the Hub Device. *See supra ¶189.* The mobile device (which is the one transferring playback responsibility to the Hub Device) is the “computing device” in this scenario, and the Hub Device which is accepting playback responsibility from the mobile device is the “playback device.” Thus, Dr. Schmidt was required to identify an instruction sent by the

<sup>11</sup> -Google's Expert's Rebuttal Rpt. at ¶ 187, 228.

- Hub device is not a “computing device” – it is a “playback device”

## Google's Noninfringement Discovery Response

<sup>12</sup>-Google's *Blog 12 Resp.* at 47

- No disclosure of Hub not qualifying as a “computing device”

# Sonos's Motion to Strike Case 3:20-cv-06

## **Google asserts a new “pause” theory**

## Google's Expert's new Noninfringement Theory

4. [1.5] while operating in the first mode, displaying a representation of one or more playback devices in a media playback system that are each i) communicatively coupled to the computing device over a data network and ii) available to accept playback responsibility for the remote playback queue;
5. [1.6] while displaying the representation of the one or more playback devices, receiving user input indicating a selection of at least one given playback device from the one or more playback devices

195. The YouTube Main functionality that Sonos accuses on Hub Devices does not satisfy these limitations for the additional reason that the Hub Device does not “display[] a representation” of the alleged playback devices “while operating in the [alleged] first mode.” The claims recite that in the “first mode” the “computing device is configured for playback of a remote playback queue.” Thus, a Hub Device must display the claimed representation of the alleged playback device while the “computing device is configured for playback of a remote playback queue.” The Hub Devices do not. In particular, as I showed in Section IX.B.1, when the Cast icon in the YouTube Main application is selected to display the alleged playback devices, the playback of the media will stop on the Hub Device. A person of skill in the art would understand that a Hub Device that is configured for playback of the alleged remote playback queue is playing back the queue. In contrast, a Hub Device that stops playback on the queue is not configured for playing back the alleged queue.

- Hub device running YouTube pauses playback when Cast icon is selected

## Google's Noninfringement Discovery Response

10 '033 Patent

11 '033 Patent, Claim 1 [1.0-1.2]

12 “computing device comprising: at least one processor; a non-transitory computer

13 readable medium...” Google does not infringe Claim 1 because Sonos has not shown Google sells,

\* \* \*

17 “based on receiving the user input, transmitting an instruction for the at least one given [1.7]

18 playback device to take over responsibility for playback of the remote playback queue from

19 the computing device, wherein the instruction configures the at least one given playback device

20 to (i) communicate with the cloud-based computing system in order to obtain data identifying

21 a next one or more media items that are in the remote playback queue, (ii) use the obtained

22 data to retrieve at least one media item in the remote playback queue from the cloud-based

23 media service; and (iii) play back the retrieved at least one media item.” Sonos’s contentions

\* \* \*

13 “remote playback queue provided by a cloud-based computing system associated with [1.4]

14 a cloud-based media service.” The only written description support for this limitation in the '033

\* \* \*

20 “detecting an indication that playback responsibility for the remote playback queue [1.8]

21 has been successfully transferred from the computing device to the at least one given playback

22 device.” Sonos’s contentions fail to demonstrate that this limitation is satisfied. For example,

<sup>12</sup>-Google's *Req. 12 Resp.* at 47-48.

- No disclosure of Hub not “displaying a representation” while operating in the first mode

CONTAINS GOOGLE CONFIDENTIAL INFORMATION.

# Sonos's Motion to Strike

## **Google asserts a new [REDACTED] theory**

Google's Expert's new Noninfringement Theory

Google's Noninfringement Discovery Response

[4, 12]

-Google's Rog 12 Resp. at 63.

-Google's Expert's Rebuttal Rpt. at ¶¶ 116-117.

- “storage” from dependent claims 4, 12

- “storage” from independent claims 1, 9 is not met